

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VASILY SIDOROV,

Plaintiff,

-against-

KONSTANTIN MALKOV, et al.,

Defendants.
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/10/2021

21-cv-6192 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiff alleges that I have subject matter jurisdiction over this fraudulent inducement action on the basis of diversity “because plaintiff is a citizen of Russia and defendants are citizens of the States of New York and New Jersey, and the amount in controversy exceeds \$75,000.” (Doc. 1 ¶ 15.) This action, however, involves two limited liability companies (“LLCs”). (*See id.* ¶¶ 11, 13.) “A limited liability company takes the citizenship of its members.” *Avant Cap. Partners, LLC v. W108 Dev. LLC*, 387 F. Supp. 3d 320, 322 (S.D.N.Y. 2016) (collecting cases). “A complaint premised upon diversity of citizenship must allege the citizenship of natural persons who are members of a limited liability company and the place of incorporation and principal place of business of any corporate entities who are members of the limited liability company.” *Id.* (citation omitted).

Plaintiff provides that the LLCs are “organized and existing under the laws of the State[s] of New York [and New Jersey], with [their] principal places[s] of business in” New Jersey. (Doc. 1 ¶¶ 11, 13.) Plaintiff does not allege the citizenship of the LLCs’ members or indicate whether the members are natural persons or corporate entities. “Defective allegations of

jurisdiction may be amended, upon terms, in the trial or appellate courts.” 28 U.S.C. § 1653.

Accordingly, it is hereby:

ORDERED that by on or before August 20, 2021, Plaintiff shall file affidavits or an amended complaint adequately establishing the existence of subject-matter jurisdiction, or the action may be dismissed without further notice, for lack of jurisdiction.

SO ORDERED.

Dated: August 10, 2021
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written in a larger, more prominent script than the last name "Broderick". The signature is positioned above the printed name and title.

Vernon S. Broderick
United States District Judge